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## **BRISTOL BAY:**

### **As lobbying fight intensifies, Pebble deploys a new weapon -- a politically savvy CEO**

Manuel Quiñones, E&E reporter

Thomas Collier, the Washington, D.C.-based attorney tapped to lead the Pebble copper and gold mining development in southwestern Alaska, is already crafting his plan of action.

Collier is stepping in to become Pebble LP's CEO in the wake of layoffs and other downsizing, including the company's parting ways with some Washington lobbyists and consultants amid relentless lobbying from mine opponents and scrutiny from the Obama administration.

Recent woes are the result of Anglo American PLC's pulling out of the Pebble partnership, leaving Northern Dynasty Minerals Ltd. to carry the load for what has become one of the most controversial natural resource projects in recent history.

In an interview yesterday, Collier said he has two top priorities: "Getting a new partner for the project, and the second is getting a permit for the project."

Collier has long worked as a regulatory attorney for the firm Steptoe & Johnson LLP. He also served as Interior Department chief of staff and chief operating officer during the Clinton administration.

Pebble's longtime CEO, John Shively, who is becoming board chairman, boasts experience in both Washington, D.C., and Alaska politics, as well as in American Indian affairs.

But by hiring Collier as its new CEO, Pebble is acquiring someone with deep contacts in Washington, including experience in Clean Water Act permitting and inside the federal government.

Collier has never led a mining company before. He called the role "very different from what I've done." But he added, "I have spent most of my career dealing with controversial projects that have environmental challenges."

Collier went on to list the hot-button issues he's been involved with -- the protections for the spotted owl, Everglades restoration and Western grazing regulations. Now he's not shying away from getting into a debate where participants are often vilified.

"That certainly will not be my tone. I respect different views and opinions," he said. "But I'm pretty aggressive in asserting what those are. I think that dialogue can be civil, and I think it certainly will, from my perspective."

Disclosure records show that the company's lobbying spending went up last year compared with 2012. The company also registered a permanent lobbying presence in Washington. The future strategy, however, remains uncertain.

Reacting to Collier's becoming CEO, Tim Bristol, Alaska chief for Trout Unlimited, the top group opposing Pebble, said, "Pebble is moving into a much more political approach." He added, "There's a whiff of desperation."

With Anglo American's pullout and Rio Tinto PLC, which also has a stake in Pebble, considering withdrawal, opponents of what could become one of the world's largest mines feel they're gaining the upper hand. They're hoping to crush Pebble once and for all.

## **EPA under pressure**

EPA's final watershed assessment of the potential effects of large-scale mining in the Bristol Bay area said the copper and gold project would represent a "significant" threat (*E&ENews PM*, Jan. 15). The area is home to the world's most valuable sockeye salmon fishery.

Earlier this week, 360 scientists, researchers and university professors wrote EPA Administrator Gina McCarthy a letter urging her to act on the assessment to protect Bristol Bay from mining.

"Based on the results of the assessment, we are very concerned about the prospect of large-scale mining in the unique and biologically rich watersheds of southwest Alaska's Bristol Bay," they said in the letter.

"Therefore," the scientists wrote, "we urge EPA to use its authority under the Clean Water Act to take the necessary next steps to protect Bristol Bay."

Bristol has been touting the letter and says it's a way to refute claims by Pebble and its backers, who have called the assessment rushed and unrepresentative of the type of mine they envision.

"We wanted to make sure that we did everything possible to let the public know that [EPA's watershed assessment] had been done in a very thorough and science-based way," Bristol said in an interview. "You can try to shoot holes at it, but it's so thoroughly vetted and peer reviewed."

Bristol is planning a trip to Washington in the near future to keep pressing policymakers to use the assessment against the mining project.

"I think the more information we put in front of someone like Senator [Lisa] Murkowski [R-Alaska], the better off we are," Bristol said. "We'll just keep grinding away. We'll keep providing information."

Murkowski and Rep. Don Young (R-Alaska) have not taken a firm position on the mine itself but are highly skeptical of EPA intervention, especially a potential pre-emptive veto of key permits for the project.

Sen. Mark Begich (D-Alaska) has not said whether he supports an EPA veto, but came out against the Pebble mine just days after EPA released its watershed assessment (*Greenwire*, Jan. 20).

Last week, several Pacific Northwest lawmakers, led by Rep. Jim McDermott (D-Wash.) and Rep. Suzanne Bonamici (D-Ore.), wrote EPA a letter, also urging action.

"Because we are very concerned that a large-scale mining project would cause irreparable damage to the Bristol Bay watershed," they wrote, "we ask that you use your authority under the Clean Water Act to protect Bristol Bay and the fishing industry it supports."

## Next steps

EPA has said it will use the watershed assessment to respond to Pebble critics who want the agency to block the mine. However, EPA has not said how it will proceed or under what timeline.

The Clean Water Act gives EPA certain veto power over Army Corps of Engineers Clean Water Act Section 404 dredge-and-fill permits. But while the agency says it can exercise that power before, during or after the permitting process, a pre-emptive veto has never happened. Pebble backers question its legality.

Collier doesn't necessarily see his role as "fighting" EPA and its study. "Fighting it I don't think is a word that I would use," he said.

His view is that EPA's watershed assessment shouldn't be the basis for policy action. Instead, he says it should be part of a "rigorous" environmental impact statement under the National Environmental Policy Act.

"In that document, a number of the peer reviewers say the watershed assessment is not an adequate document on which to base any decision," he said.

Collier said he will be open to sharing his views with lawmakers and regulators in Washington. But unlike Pebble critics, he doesn't see the nation's capital as the deciding ground for the mine.

"I think this is an issue that primarily rests with the Army Corps of Engineers in Anchorage, Alaska," he said. "Ultimately, that's where the decision is going to be made."

Collier is packing up to move to Alaska later this week for the new job. When asked about what's on his mind, he replied in jest, "How cold is it going to be in Anchorage?"

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